

PSP Cover Sheet (Attach to the front of each proposal)

Proposal Title: ***Conservation Easements for Agricultural Lands/CEAL Project***
Applicant Name: Ducks Unlimited, Inc.
Contact Name: Olen Zirkle, Land and Water Specialist
Mailing Address: 3074 Gold Canal Drive, Rancho Cordova, CA 95670-6116
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Amount of funding requested: \$10,357,310

Some entities charge different costs dependent on the source of the funds. If it is different for state or federal funds list below.

State cost: (to be determined)

Federal cost: (to be determined)

Cost share partners? X Yes No

Identify partners and amount contributed by each:

David and Lucille Packard Foundation - \$200,000

Indicate the Topic for which **you** are applying (check only one).

- | | |
|--|--|
| <input type="checkbox"/> Natural Flow Regimes | <input checked="" type="checkbox"/> Beyond the Riparian Corridor |
| <input type="checkbox"/> Nonnative Invasive Species | <input type="checkbox"/> Local Watershed Stewardship |
| <input type="checkbox"/> Channel Dynamics/Sediment Transport | <input type="checkbox"/> Environmental Education |
| <input type="checkbox"/> Flood Management | <input type="checkbox"/> Special Status Species Surveys and Studies |
| <input type="checkbox"/> Shallow Water Tidal/Marsh Habitat | <input type="checkbox"/> Fishery Monitoring, Assessment and Research |
| <input type="checkbox"/> Contaminants | <input type="checkbox"/> Fish Screens |

What county or counties is the project located in? Sutter County

What **CALFED** ecozone is the project located in? See attached list and indicate number. Be as specific as possible:

Feather River and Sutter Basin: 8.4. (Sutter Bypass)

Indicate the type of applicant (check only one):

- | | |
|---|---|
| <input type="checkbox"/> State agency | <input type="checkbox"/> Federal agency |
| <input checked="" type="checkbox"/> Public/Non-profit joint venture | <input type="checkbox"/> Non-profit |
| <input type="checkbox"/> Local government/district | <input type="checkbox"/> Tribes |
| <input type="checkbox"/> University | <input type="checkbox"/> Private party |
| <input type="checkbox"/> Other: _____ | |

Indicate the primary species which the proposal addresses (check all that apply):

- | | |
|--|---|
| <input type="checkbox"/> San Joaquin and East-side Delta tributaries fall-run chinook salmon | <input checked="" type="checkbox"/> Spring-run chinook salmon |
| <input checked="" type="checkbox"/> Winter-run chinook salmon | <input checked="" type="checkbox"/> Fall-run chinook salmon |
| <input checked="" type="checkbox"/> Late-fall run chinook salmon | <input type="checkbox"/> Longfin smelt |
| <input type="checkbox"/> Delta smelt | <input checked="" type="checkbox"/> Steelhead trout |
| <input checked="" type="checkbox"/> Splittail | <input type="checkbox"/> Striped bass |
| <input checked="" type="checkbox"/> Green sturgeon | <input type="checkbox"/> All chinook species |
| <input checked="" type="checkbox"/> White Sturgeon | <input type="checkbox"/> All anadromous salmonids |
| <input checked="" type="checkbox"/> Waterfowl and Shorebirds | <input type="checkbox"/> American shad |
| <input checked="" type="checkbox"/> Migratory birds | |
| <input type="checkbox"/> Other listed T/E species: _____ | |

Indicate the type of project (check only one):

- | | |
|---|---|
| <input type="checkbox"/> Research/Monitoring | <input type="checkbox"/> Watershed Planning |
| <input type="checkbox"/> Pilot/Demo Project | <input type="checkbox"/> Education |
| <input checked="" type="checkbox"/> Full-scale Implementation | |

Is this a next-phase of an ongoing project? Yes ☐ No ☒

Have you received funding from CALFED before? Yes ☒ No ☐

If yes, list project title and CALFED number:

Project Name:	CALFED Number:
Lower Butte Creek Project: Phase II - Preliminary Engineering and Environmental Analysis for Butte Sink Structural Modifications and Flow-through System	99-BO2
Gorilla Dam Fish Screen	96-M22
M & T/Parrott, Pumping Station and Fish Screen	95-M05
Rancho Esquon/Adamas Dam Fish Screen	96-M21
San Pablo Bay NWR, Cullinan Ranch	97-N18
San Pablo Bay NWR, Tolay Creek	97-N19

Have you received funding from CVPIA before? Yes ☒ No ☐

If yes, list CVPIA program providing funding, project title and CVPIA number (if applicable):

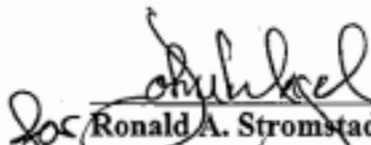
Project Name:	CVPIA Number:
Lower Butte Creek Project, Phase III - Butte Creek, Drumheller Exclusion Barrier Final Engineering, Permitting and Construction	1448-11332-9J006
Lower Butte Creek Project, Phase II - Butte Creek, Butte Sink/Sutter Bypass Stakeholder Coordination/Facilitation	113329-9-J135
Lower Butte Creek Project, Phase II - Butte Creek, Sutter Bypass East-West Diversion Dam Preliminary Engineering and Environmental Review	113329-9-J122
Lower Butte Creek Project, Phase II - Butte Creek, Sutter Bypass Weir #5 Preliminary Engineering and Environmental Review	11332-9-J122
Lower Butte Creek Project, Phase II - Butte Creek, Sutter Bypass Weir #3 Preliminary Engineering and Environmental Review	113329-9-J136

By signing below, the applicant declares the following:

- The truthfulness of all representations in their proposal;
- The individual signing the form is entitled to submit the application on behalf of the applicant (if the applicant is an entity of organization); and
- The person submitting the application has read and understood the conflict of interest and confidentiality discussion in the PSP (Section 2.4) and waives any and all rights to privacy and confidentiality of the proposal on behalf of the applicant, to the extent as provided in the Section.

Ducks Unlimited, Inc.

Name of Applicant



Ronald A. Stromstad
Director of Operations

B. Executive Summary

Title & Project: Conservation Easements For Agricultural Lands / CEAL Project

Requested Amount: \$10,157,310

Applicant: DUCKS UNLIMITED, INC.

3074 Gold Canal Drive

Rancho Cordova, CA 95670-6116

Olen Zirkle, Land and Water Specialist

Phone: (916) 852-2000 FAX: (916) 852-2200

e-mail: ozirkle@ducks.org

Participants/Collaborators: Ducks Unlimited, Inc. and Amaral Ranch

Project Summary: The Conservation Easements for Agricultural Lands Program (CEAL), initiated by Ducks Unlimited, Inc. (DU) works with the community, local government and willing landowners within the Sutter Basin to preserve and protect agricultural lands being managed for wildlife friendly crops and conservation values associated with historic cropping patterns. Preservation and protection of these important agricultural lands is accomplished through the purchase of development rights and the implementation of adaptive management plans. The purpose of the easement is to assure that conservation values and agricultural productivity of the protected property will be "retained in perpetuity." The Sutter Basin, particularly, the lands that buffer the Sutter Bypass, has been identified as a target area to protect from urbanization and promote wildlife friendly farming practices. The Sutter Bypass section of the Sutter Basin provides important waterfowl habitat and serves as a migratory route for salmon and steelhead from the Sacramento River to Butte Creek. Spring-run and fall-run salmon and steelhead migrating to the upper sections of Butte Creek to spawn use the Sutter Bypass and Butte Slough as their main migratory route. Native resident fish, including splittail, also use the bypass as spawning and rearing habitat. This reach is an important connection from Butte Creek to the Sacramento River and the Bay-Delta system. The CEAL Program plans to protect 6,000 acres in three years to maintain and establish a permanent buffer zone around this important ecological unit and implement adaptive management plans within the program area that will have consistency and long-term durability. This proposal requests funds for the immediate purchase of an Agricultural Conservation Easement on high priority lands adjacent to the Sutter Bypass and the Sutter National Wildlife Refuge and for on-going program implementation. .

Location: Feather River/Sutter Basin Ecological Management Zone, 8.4 Sutter Bypass

Type and Objective & Project: This project is a full implementation project. The objective is to meet the EERP Programmatic Action 1A: Increase the area of rice fields and other crop lands flooded in winter and spring to provide high-quality foraging habitat for winter and migrating waterfowl and shorebirds as associated wildlife. This project will also improve create an opportunity through the protection of farmlands to increase the frequency and extent of over-bank flooding in the Sutter Basin.

Approach: Ducks Unlimited, Inc. will work closely with Sutter Basin landowners and other partners to lay the groundwork for the purchase of agricultural conservation easements and develop adaptive management plans for 6,000 acres of farmlands over a period of three years in the Sutter Basin. These conservation tools are designed to improve habitat on and adjacent to agricultural lands that will benefit native waterfowl and wildlife species.

Hypotheses: Does the restriction of development (urbanization) through the use of Agricultural Conservation Easements and Adaptive Management Plans on flood-irrigated agriculture in the Sutter Basin protect compatible agricultural productivity and associated wildlife habitat necessary for waterfowl and wetland-related species within the Central Valley.

Uncertainties: It is uncertain that reactivated wetlands will provide the essential foodweb important to sustaining fish populations and other economically important aquatic organisms. It is also uncertain how at-risk species will respond to adaptive management interventions on farmlands that manage seasonal flooded crops.

Expected Outcome: The CEAL Program will help to meet Target 1 of the Restoration Targets and Programmatic Actions for Ecological Processes for Agricultural Lands in the Central Valley. Target 1: Cooperatively manage 57,578 acres of agricultural lands consistent with the objectives of the Central Valley Habitat Joint Venture and the North American Waterfowl Management Plan. The project also meets the Programmatic Action 1A: Increase the area of rice field and other crop lands flooded in winter and spring to provide high-quality foraging habitat for wintering and migrating waterfowl and shorebirds and associated wildlife.

C. Project Description

1. Problem Statement: Urban encroachment and conversion of crop land to higher intensity uses are threatening biologically sensitive wetlands and rice land adjacent to, and east of, the Sutter Bypass.

a. Problem:

Ducks Unlimited, Inc. has initiated the CEAL Program to address the gradual loss of wetlands in the Central Valley. Due to the extent that natural wetlands have been lost, wildlife has become increasingly dependent on agricultural lands for food, cover and water availability. (Ducks Unlimited Continental Conservation Plan, June 1984) While most agricultural development is deleterious to wildlife, the man-made wetlands created by rice cultivation in Sutter County have provided an important mitigation for the extensive loss of natural wetland habitats throughout the state. Without rice farming, wetland habitats in the Central Valley would be reduced by as much as 45 percent. (Central Valley Habitat Joint Venture, 1990) A loss of this magnitude would have a disastrous effect on waterfowl, and a host of other wetland-dependent species. Additionally, landowner participation is essential to ensure adequate fish transportation flows and migratory passage for other aquatic and terrestrial species through the Sutter Bypass.

The Sutter Basin, as shown on the attached map is surrounded on three sides by rapidly expanding urban areas. Yuba City on its north and east is of the greatest concern. Significant urban development is pressing on the agricultural lands from this urban area. Low-density sprawl is rapidly occurring along Hwy. 20 (east and west) and Hwy. 113 (north and south), and Hwy. 99 west of Yuba City. This rapidly expanding community has doubled in size in the last ten years. Due to inexpensive housing, offers of a rural lifestyle and its proximity to Sacramento, Yuba City will continue to expand at a very high rate. Urban encroachment is the major threat to continued agricultural production in the Sutter Basin and habitat connectivity. By restricting development and subdivision in Area 1 of the CEAL Project Map, encroachment is virtually stopped at the Area 1 boundary. (See Attachment " B - Map)

The project lands provide key migratory habitat, as well as terrestrial species habitat, for such wildlife as the giant garter snake, the red-winged blackbird, great blue heron, and the Swainson's Hawk, among others. By protecting current open space on private lands, the Sutter National Refuge located north of the project properties realizes an added value to their plans and programs for sustaining valuable contiguous wildlife habitat. (Olen Zirkle & Chris Unkel, Ph.D., 1997) The project lands are also located near borrow pits adjacent to the east and west levees of the Sutter Bypass. These aquatic areas provide migratory routes for four species of listed, endangered fish. Additionally, open space protection for these lands is essential in order to curb urbanization and over-development and to maintain an adequate buffer zone along the Sutter Bypass. (Central Valley Habitat Joint Venture, 1999) Once these lands are converted, valuable wetland and riparian ecosystems will be lost forever.

b. Conceptual Model: A wide array of wetland species that are recognized by the State and Federal governments as threatened, endangered, and candidate species are present in the Sutter Basin and rely on Sutter Basin wetland ecosystems to sustain an important part of their life history. (ERPP, 1999) Seasonal flooding of leveed lands and flood bypasses provide seasonal wetlands and also contributes to the aquatic foodweb. By protecting agricultural land use, opportunities for the frequency and extent of over-bank flooding in the river floodplains and Sutter Basin and by managing farmlands in a wildlife friendly environment are created. (ERPP, 1999) The concept of this project is designed around the hypotheses that protecting key farmlands within the buffer zone of the Sutter Bypass and inside the Bypass which are predominately flood irrigated crops can be managed for the replication of floodplain processes which will provided the following ecosystem benefits: (1) increased foodweb/nutrient supply; (2) contribute to habitat connectivity; (3) implement ecosystem management; (4) maintain flood control capacity; and, (5) protect the stability of the local economy. By protecting the land use management and ecological values of these lands with a Agricultural Conservation Easement, an adaptive management plan process is implemented in

" perpetuity to protect key wetlands in the Central Valley. (ERPP, 1999) (See Attachment "C" – Conceptual Model)

c. Hypotheses being tested: Does the restriction of development (urbanization) through the use of Agricultural Conservation Easements and Adaptive Management Plans on flood-irrigated agriculture in the Sutter Basin protect compatible agricultural productivity and associated wildlife habitat necessary for waterfowl and wetland-related species within the Central Valley

The vision for the Feather River/Sutter Basin Ecological Management Zone includes restoring and enhancing important fishery, wildlife and plant communities by restoring ecological processes and habitats and reducing stressors. Attaining this vision requires restoring or reactivating important ecological processes that create and maintain fish, wildlife, and plant community habitats throughout the Ecological Management Zone. The vision for this Ecological Management Zone focuses on maintaining and improving floodplain and flood processes, streamflow, coarse sediment recruitment and transport, and seasonally flooded aquatic habitats that provide important wintering areas for waterfowl and shorebird guilds. (ERPP, 1999) The vision for the Sutter Bypass Ecological Management Unit is to restore adequate riparian and wetland habitats in the floodplain. (ERPP, 1999) Seasonal wetland habitat: Seasonal flooding of leveed lands and flooded bypasses provide important habitat for waterfowl, native fish, native plants, and wildlife. Flooding and draining seasonal wetlands also contributes to the aquatic foodweb. The vision is to increase the frequency and extent of over-bank flooding in the river floodplains and Sutter Basin. (ERPP, 1999)

Agricultural Lands: Improving habitats on and adjacent to agricultural lands in the Feather River/Sutter Basin Ecological Management Zone will benefit native waterfowl and wildlife species. Emphasizing certain agricultural practices (e.g. winter flooding and harvesting methods that leave some grain in the fields) will also benefit many wildlife that seasonally use these important habitats.

The CALFED long-term comprehensive Ecosystem Restoration Program Plan is designed to provide a framework for resource management activities within the Central Valley. The CEAL Program is designed to implement the goals and objectives of this comprehensive plan for the long-term sustainability of valuable habitat and resident species through long-term protection of the agricultural productivity using agricultural conservation easements. Reduction of the impacts of stressors on diverse agriculture habitat will be accomplished through the implementation of adaptive management plans that include appropriate land use management techniques accompanied by reimbursement programs to the agricultural stakeholders.

d. Adaptive Management:

CALFED has adopted Adaptive Management as an essential program concept and acknowledged the need to constantly monitor the system and adapt the actions to restore ecological health and improve water management. (ERPP Vol. II) The primary reason for using an adaptive management framework is to allow for changes in land use management that may be necessary to reach long-term goals (or biological objectives) and to ensure the likelihood of sustainability of species in their associated habitat. The CEAL Program embraces this adaptive management concept within the legal terms and conditions of Agricultural Conservation Easement agreements and fully implements the process by designing Adaptive Management Plans with each landowner. (Thomas S. Barret, 1996.)

The Agricultural Conservation Easement implements an on-going adaptive management process in perpetuity. In compliance with the terms and conditions of the easement agreement, certain restrictions and management options are agreed upon to fulfill the intent of protecting agricultural lands and associated conservation values by promoting wildlife friendly crops and maintain habitat for wetland species. (Janet Diehl and Thomas S. Barret, 1988.) Once the baseline criteria has been established to meet the requirements of the easement, an on-going relationship begins with the landowner and Ducks Unlimited, Inc. to monitor the lands on a yearly basis for the purposing of assessing the results of management practices and impacts of environmental stochasticity.

An important opportunity for the exchange of information is created and maintained. The landowner provides valuable anecdotal and local knowledge and the DU representative becomes an important resource for technical and biological information that would pertain to on-the-ground management decisions critical to the economic stability for the landowner and sustainability of the habitat. As the partnership assesses the yearly conditions and evaluates the outcomes compared to the targets of the management plan, management actions can be adjusted to assure that on-going protection and maintenance of land values continue.

e. Education Objectives:

The CEAL Program is scheduled to conduct a series of workshops within the Sutter Basin to educate landowners, county and city planners, agency representatives and other interested individuals and entities about the legal and functional components of agricultural conservation easements, i.e., sale of development rights, accounting, estate planning, adaptive management plans and low-intensive farming techniques and state-wide conservation plans and programs. This outreach approach will also provide valuable input regarding the economic and social issues and concerns that drive land use decisions.

2. Proposed Scope of Work

a. Location and/or Geographic Boundaries of the Project: (See Attachment "A" – Map/Photos)

county: Sutter County

Ecozone: No. 8 Feather River and Sutter Basin Ecological Management Zone
No. 8.4 Sutter Bypass

Geographical

Coordinates: Latitude 38°3'45" – Longitude 121°46'

b. Approach:

Ducks Unlimited, Inc. Conservation Easements for Agricultural Lands Program (CEAL), works with the community and willing landowners within the community to preserve and protect agricultural lands being managed for certain crops and following certain agricultural practices that create significant habitat and wetland-like benefits for aquatic and terrestrial species. Under the program, DU will purchase, from willing sellers, certain property rights including subdivision rights using a recorded conservation easement. The easement will also maintain the historic agricultural practices while incorporating various compatible wildlife management practices. The terms of the easement will be monitored annually and an adaptive management plan covering biological sensitive areas will be implemented with the landowner where applicable.

The CEAL Program utilizes geographic information systems to identify and document land ownership, existing wetlands, cropping patterns and wildlife sensitive areas within the Sutter Basin (See Attachment "D" - Sutter Basin GIS Land Use Map). Simultaneously, a team comprised of staff biologists, local landowners and program partners, will review the information as it becomes available and recommend the best combination of properties to meet the biological resource requirements of the wildlife species using the area while maintaining the viability of associated agricultural lands. Once land ownership, cropping patterns and biological resources were identified, priority areas are determined. Purchases will be focused on those lands most threatened by urban encroachment immediately west of Township Road, Area 1, and on those biological sensitive lands adjacent to the Sutter Bypass, Area 2. (See Attachment "B" - Map) With funding in place, the landowners will be contacted and educated on the requirements of the program and those that indicate willingness to proceed, will be asked to cooperate in the easement documentation process.

DU has designed an interactive GIS Model to expand the capabilities of predicting future development patterns and the impact they may have on existing natural resource values. With this tool, landowners are assisted taking appropriate actions to preserve, protect and enhance conservation values while maintaining the productivity of their agricultural operation. These decisions can then be incorporated within the Agricultural

Conservation Easement to benefit the landowner and the landscape. Together with the County General Plan, current natural resource plans and programs, ~~this~~ scenario-building tool will be extremely valuable in guiding the physical development of the land with respect to environmental, social and economic goals.

To support the guidance and coordination of development surrounding Sutter County communities, Ducks Unlimited, Inc. ~~has~~ initiated and executed a Memorandum of Understanding that established a mutual desire between DU and Sutter County government to protect agricultural lands and their associated conservation values. This resulting resource sharing and coordination not only expands county efforts to comprehensively plan for the future but also insures consistent agricultural land protections and natural resource conversation.

The easement documentation begins with the completion of a Baseline Documentation Report that concisely details existing resources. Specific resource protection strategies and easement restrictions will be negotiated on a case-by-case basis with the landowner. Resource benefits in the easement must meet area resource plan objectives and DU Continental Conservation Plan objectives in order to proceed. (Ducks Unlimited Continental Conservation Plan, June 1994)

When the easement restrictions are agreed on, the information is given to a qualified appraiser along with the title information and survey. The appraised price is then the basis for proceeding. ~~If~~ the price is acceptable, an option agreement is executed which commits the landowner to close the sale on the negotiated terms, at a ~~future~~ date for the appraised value. The option period will allow DU to raise the necessary funding, complete the due diligence, clear any title issues and close the purchase, usually six months to one year. Once the transfer of funds has been made, the documentation can be executed and recorded to complete the purchase transaction. A DU biologist or supervised consultants will carry out the monitoring requirements. (See Attachment "E" - Draft Preliminary Property Inspection, Baseline Documentation Report, and monitoring report.)

This conservation tool is significant in that it is not subject to political change or general plan amendments. The terms and conditions prevail in perpetuity and secure on-going management practices that are predictable in the long-term.

c. Monitoring and Assessment Plans:

Background: The CEAL Program provides for annual monitoring of the provisions of the agricultural conservation easements and compliance with the provisions of the adaptive management plans. A DU staff biologist or qualified consultant will meet with the landowner on an annual basis to review past activities and future plans for the property. A Baseline Documentation Report will serve as a basis for judging compliance with easement restrictions and comparison with historic uses. Activities associated with the status of the species and habitat on the property will be noted in a monitoring report and reviewed with the landowner and plans for the following year will be developed.

Monitoring and Enforcement Description:

Once the Agricultural Conservation Easement has been executed, Ducks Unlimited, Inc. (DU) has a legal obligation to monitor the property protected by the easement to ensure that the terms of the easement are being met. The following guidelines should be followed in designing the monitoring program:

- **Guaranteed Access** – The easement documentation provides language that secures access to conduct monitoring and options for taking corrective action, if necessary.

"Enforcement. The Grantee shall have the right to monitor the Protected Property for compliance with the terms and conditions of this Easement and to enforce the restoration of such areas or features of the

Protected Property that may be damaged by any inconsistent activity or use, in accordance with Section 5.15.”

“Notice of Breach. In the event there is a breach of the terms of this Easement by the Grantor or by a third party acting at the direction of, with the permission of, or under control of the Grantor, the Grantee shall have the right to notify the Grantor in writing of such a breach, and the right to enforce by proceedings at law or in equity the covenants hereinafter set forth, including, but not limited to the right to require the restoration of the Protected Property to its condition on the date of this Easement as evidenced by the Report. Upon such notice, the Grantor shall have thirty (3) days to undertake actions, including restoration of the Protected Property, that are reasonably calculated to correct swiftly the conditions constituting such breach. If the Grantor fails to take such corrective action, the Grantee may, at its discretion, undertake such actions, including appropriate legal proceedings as are reasonably necessary to effect such corrections by Grantor. The cost of such corrections, including Grantee’s expenses, court costs and legal fees will be paid by the Grantor, provided it is determined that the Grantor or a third party acting at the direction of, with the permission of or under the control of the Grantor, is responsible for the breach. Nothing herein shall be construed to entitle the Grantee to institute any proceedings against the Grantor for any changes to the Protected Property due to causes beyond the Grantor’s control such as changes occurring due to natural causes or unauthorized wrongful acts of third parties.”

- Baseline Documentation Report

Prior to the execution of the Agricultural Conservation Easement, a Baseline Documentation Report will be generated to comply with the following language of the easement (See Attachment “E” – Baseline Documentation Report):

“WHEREAS, the specific conservation values of the Protected Property on the date of this Easement are documented in the Baseline Documentation Report (“Report”), dated _____, a copy of which is on file with both the Grantor and the Grantee. Both parties agree the Report provides an accurate representation of the Protected Property and the condition of the same as of the date of this Easement as required by Treasury Reg. 1.170 A-14 (g) (5), and is intended to serve as an objective informational baseline for monitoring compliance with the terms of this Easement, and may include: A) The appropriate survey maps from the United States Geological Survey, showing the property line of the Protected Property and other contiguous or nearby protected areas; B) A map of the area drawn to scale showing all existing man-made improvements or incursions (such as roads, buildings, fences, or gravel pits), vegetation and identification of flora and fauna (including, for example, rare species locations, animal breeding and roosting areas, and migration routes), land use history (including present uses and recent past disturbances), and distinct natural features (such as large trees and aquatic areas); C) **An** aerial photograph of the Protected Property at an appropriate scale taken as close as possible to the date of this Easement; and D) On-site photographs taken at appropriate locations on the Protected Property; and other documentation possessed (at present or in the future) by the Grantor which the Grantor shall make available to the Grantee, its successors and assigns, which documentation establishes the conditions of the Protected Property at the date of this Easement as required by Treasury Reg. 1.170A-14 (g)(5).

- Frequency of Monitoring

The Baseline Documentation Report will be timed to coincide with the ideal time of year to monitor resources being protected. Thereafter, inspections will be timed annually within 30 days of that date for consistence. (See Attachment “E” – Monitoring Inspection Form). Monitoring inspections will be conducted with the owner or his property manager present whenever possible. All inspections will be conducted by Pete Schmidt, Regional Biologist. Completed and signed copies of the inspection report will

be distributed to the DU Regional Office, the landowner, and Legal and Conservation Programs at National Headquarters. Signatures will include the biologist and the landowner or his representative.

d. Data Handling and Storage:

All biological and fiscal records and data of the project will be stored electronically on a secure network and compiled on CD ROM at the Ducks Unlimited, Inc. Western Regional Office upon request. All pertinent information gathered, evaluated and applied to the project will be kept in a permanent file at the Western Regional Office of Ducks Unlimited, Inc. and made available to CALFED upon request.

e. Expected Products/Outcomes:

- Baseline Monitoring Report – Comprehensive evaluation of existing habitat and property conditions of the project lands.
- Executed contract purchasing developments and securing conservation values and adaptive management.
- Monitoring Reports/Updates
- Continued CEAL Program educational outreach to reach next phase of program – 2,000 acres of wetlands within the Sutter ~~Bypass~~.
- Final Project Report
- Presentation to CALFED Science Panel and Ecosystem Roundtable including site visit.

f. Work Schedule: The work schedule for the CEAL project is comprised of two phases. The first phase is to purchase an approved and ready-to-go easement on the Amaral Ranch property. The preliminary inspections, preliminary appraisal and DU approvals to proceed have all been obtained. With the commitment of CALFED funds the option to purchase can be exercised, the due diligence completed and the purchase closed. Listed below in summary form are the tasks, timelines and deliverables for this task. The second phase is to continue a program of purchasing two thousand additional acres of threatened farmland each year during the term of the CALFED funding contract. These tasks are presented in summary form in task two. A more detailed task schedule for both tasks is included as Attachment “F”.

Summary Task Description:

Task 1.0 -Purchase of Agricultural Easement on Amaral Ranch Property: Negotiate and sign option agreement; Request preliminary title report, open escrow; Complete appraisal, Baseline Documentation Report and Hazardous Materials Phase I Report; Negotiate final easement language; Close and record easement, and; Establish monitoring plan.

Deliverable: Agricultural easement and Adaptive Management Plan on **705** acres of Sutter Basin Farm Land.

Timeframe: April 1, 2001 to March 31, 2002

Task 2.0 –Identify and purchase additional agricultural easements: Landowner outreach; Inspection and approval; Close escrow and record easements, and; Monitor easements.

Deliverables: Agricultural easements and Adaptive Management Plans on **2000** acres of threatened Sutter Basin farmland and associated benefits.

Timeframes: April 1, 2001 to December 31, 2001 (year 1 subtask 2.1.1 – 2.1.4)

Timeframes: January 1, 2002 to December 31, 200 (year 2 subtask 2.2.1 – 2.2.4)

Timeframes: January 1,2003 to March 31,2004 (year 3 subtask 2.3.1 – 2.3.4)

Task 3 –Project Management: Inspection of work in progress; validation of costs; Preparation of periodic reports; Supervision of project staff, and; Preparation of financial reports; Contract compliance and legal work on easement documents.

Deliverables: Project Administration and Implementation.

Timeframe: April 1,2001 to March 31 2004 (plus time for after-the-fact monitoring reports)

NOTE: Task 1. is a stand-alone action and can be completed on its own merits. Task 2. can be separated and funded as individual projects in each of the three years. Payment for the easements would be through an escrow account and made when all terms and conditions of the option to purchase are met. Easements are usually closed at year-end due to income tax considerations. Payment for project related staff time would be made quarterly on a reimbursement basis.

g. Feasibility:

The CEAL Program, including the first year purchase of the Amaral Ranch easement is feasible for a number of reasons. First and foremost, agricultural easements are acceptable to landowners wanting to protect their agricultural lands. Most landowners feel that selling agricultural conservation easement presents an alternative to selling their land for development. Easement proceeds allow the landowner to sell the development value of the property while maintaining its agricultural value. Cash received from the sale of the development rights' can then be invested in other businesses or additional farmland, thus offsetting potential loss of future income from the sale of the property for development.

The language of the model agricultural easement used by Ducks Unlimited allows full flexibility of crop decisions by the landowner as long as the landowner maintains the conservation values of the farmland that were present upon signing the easement and associated with the historic cropping pattern on the land. In the case of CEAL Project area, the historic cropping pattern was predominantly rice.

The CEAL Program is also feasible with respect to Sutter County. Ducks Unlimited has entered into a MOU with Sutter County, which gives DU the right to purchase agricultural conservation easements with the full blessing of the County and the Board of Supervisors. Under the terms of the MOU, agricultural easements purchased within a defined area within Sutter County do not require any further County approval.

The CEAL Program model easement meets all established legal requirement. Property owners who have negotiated the easements or assumed land associated with the pertinent deed restrictions will be subject to court action if they violate the deed restrictions. Under the CEAL Program agricultural conservation easement will purchase certain develop rights including subdivision rights from willing sellers (landowners). This voluntary action will then be recorded on the property deed in perpetuity. Once recorded, any future owner of the property will be under the agricultural conservation easement restrictions recorded on the property deed. This transaction has no further cost to the project except annual monitoring of landowner compliance with the deed restrictions. In comparison to land use planning tools like Williamson Act, the deed restrictions purchased by the agricultural conservation easement cannot be removed over a period of time. Zone changes and county general plan changes will not affect the restriction recorded on the deed.

Documentation: No CEQA or NEPA documentation necessary. There are no state or federal permits necessary for CEAL Program easements with the exception of appropriate permits associated with toxic cleanup, if sites are identified in the required Hazardous Materials Report. To meet the criteria of the conservation easement contract, the following non-regulatory reports are required to complete the execution of the agreement:

- **Baseline Documentation Report:** For easement donors who wish to donate an easement, IRS regulations require an easement donor to provide the donee with documentation of the property's condition prior to the time of the execution of the gift. See Treas. Reg. Section 1.170A-14(g)(5)(I). This report has also become an integral step for easements that purchase development rights as well. The assessment and evaluation of existing conditions of the easement lands determines the baseline information for future monitoring of the terms and conditions of the easement. This document is also required for the DU CEAL easement.
- **Hazardous Materials Report:** An on-site evaluation by a qualified hazardous waste specialist is required to determine if any toxic conditions exist on the easement properties. If such sites exist, cleanup and/or mitigation must be addressed in the easement documentation.

Since the agricultural conservation easement does not change the underlying land use (agriculture), there is no permitting or approval by Sutter County for implementation of the CEAL Program. However, DU has garnered Sutter County approval and support for the CEAL Program (see Section G. – Local Involvement).

As the second largest conservation organization in America, DU is a fiscally responsible mechanism for receipt of private, state and federal funding targeted for the purchase conservation easements and facilitate enhancement/restoration projects. The organization has established solid working relationships with government agencies, foundations, corporations and countless individuals/landowners to maximize available resources for on-going implementation.

The project staff is comprised of experienced professional staff to ensure project acceptability. All project lands and the associated Agricultural Conservation Easements will be facilitated and managed by Olen Zirkle, Land and Water Specialist. Agricultural Conservation Easement negotiations, documentation and easement compliance will be conducted by Laura Florio, Private Lands Counsel. Monitoring of easement lands will be assigned to DU Valley/Bay Area Regional Biologist, Pete Schmidt. Mr. Schmidt has a Master's Degree in wildlife biology and extensive field experience in wetland enhancement and restoration.

Ducks Unlimited, Inc. is in a strong position to fulfill the monitoring and compliance requirements that are to be maintained in perpetuity as required by the terms and conditions of the Agricultural Conservation Easement Agreement.

D. Applicability to CALFED ERP Goals and Implementation Plan and CVPIA Priorities.

1. CALFED ERP GOALS:

GOAL 1: At-Risk Species – This project will provide important adaptive management plans for important Sutter Basin farmlands and protect the area from urbanization. By implementing Agricultural Conservation Easements on large connected parcels of land, the Sutter Bypass is protected for wildlife values and historic agricultural crops that will serve to contribute to the recovery of at-risk species, in particular spring-run and winter-run chinook salmon, steelhead trout, splittail and other species of concern, and contribute to the reversing of the downward population trends of non-listed native species

GOAL 2: Ecosystem Processes and Biotic Communities - This project is expected to rehabilitate natural ecological processes by creating seasonal flooded wetlands on agricultural lands that provide important wintering areas for waterfowl, shorebirds and other terrestrial species.

GOAL 4: Habitats – This project is expected to improve habitats on and adjacent to agricultural lands in the Sutter Basin that will benefit native waterfowl and wildlife species. The project will emphasize certain agricultural practices (e.g., winter flooding and harvesting methods that leave grain in the fields) will also benefit wildlife species that seasonally use these important habitats.

CVPIA Priorities: This project addresses priorities/considerations for spring-run, winter-run chinook salmon, steelhead trout and splittail and their associated habitats in the CVPIA focus area of Butte Creek.

This project will result in progress toward the following **Biological Resource Considerations** for the spring-run, winter-run chinook salmon, steelhead trout and splittail:

- Addresses ecosystem, community, multiple-species benefits – by creating seasonal flooded wetlands that provide wintering areas for waterfowl, shorebirds and other terrestrial species.
- Protects and restores natural habitats that are integrated within Sutter Basin farmlands.
- Addresses immediate and long-term benefits through the implementation of Agricultural Conservation Easements that ensure conservation values in perpetuity.

This project will result in progress toward the following **Implementation Considerations:**

- The project has satisfied all legal, regulatory and technical obstacles and will be conducted in a timely manner.
- The project has strong local landowner, county government and statewide support.
- The project is highly compatible with other plans and programs for fishery restoration and protection.

This project will result in progress in **Economic Considerations** by addressing the following:

- Supporting the local agricultural infrastructure while effectively protecting valuable habitat values associated with the fisheries in Butte Creek and the upper Sacramento River.
- Provides an incentive program for landowners to keep their lands in productive agriculture that will sustain important wildlife values.

2. Relationship to Other Ecosystem Restoration Projects:

After extensive analysis by DU, with input from its partners, including agricultural related groups such as the California Rice Commission and Northern California Water Association, DU has identified the Sutter Basin as a priority area for the CEAL Program. The Sutter Bypass, located within the Sutter Basin, supplies the linkage between the lower reaches of Butte Creek and the Sacramento River. This important water and flood-control conveyance provides valuable connectivity for ecosystem health between the Butte Creek watershed and the Bay-Delta. (Olen Zirkle & Chris Unkel, Ph.D., 1997) The Sutter Basin lies within the CALFED Feather River / Sutter Basin Ecological Management Zone and represents an important ecosystem component of the overall restoration plan for the Bay-Delta system. The Sutter National Refuge, within the Sutter

Bypass, is an important attraction for waterfowl and migratory birds. The Amaral property is immediately adjacent to the Sutter National Refuge and increases the available waterfowl habitat and provides a generous food supply for all the waterfowl as well as wetlands. (See Attachment " G – Aerial Photograph)

The CEAL Program represents the cumulative efforts of many partners. These partners include the Central Valley Habitat Joint Venture Partners, Sutter County, Northern California Water Association, California Rice Commission, the Wildlife Conservation Board, Pelger Mutual Water District, California Waterfowl Association, The Nature Conservancy, local landowners and individuals. Additionally, the CEAL Program supports the programmatic actions described in the following plans and programs: Restoring Central Valley Streams: A Plan for Action – 1993 prepared by California Dept. of Fish & Game; the Anadromous Fish Restoration Plan prepared by the U.S. Fish & Wildlife Service; and, the California Water Plan No. 160-98 prepared by the California Dept. of Water Resources.

The CEAL Program is designed to meet the CALFED vision for agricultural lands within the Feather River / Sutter Basin Ecological Management Zone. The vision includes the protection and enhancement of agricultural lands for wildlife habitat value, the implementation of compatible agricultural land and water management practices that increase habitat values and programs that discourage development of ecologically important agricultural lands for urban and/or industrial uses. The CEAL Program meets these criteria by the purchase of development rights through agricultural conservation easements and, by implementing agricultural land enhancements and improving water management practices for wildlife habitat through adaptive management plans.. Further, the CEAL Program is closely associated with the Lower Butte Creek project, which resolves fish passage issues within the CEAL project area.

Other ecosystem restoration programs:. The Lower Butte Creek Project jointly managed by the California Waterfowl Association and Ducks Unlimited, Inc.. This project was initiated to improve fish passage throughout the lower reaches of Butte Creek. The objectives of the project are to maintain the viability of commercial agriculture, managed private habitats, managed government lands, and other habitats while developing a set of mutually beneficial technical and operational alternatives for water users and fisheries. The project area is an approximately 60-mile reach of lower Butte Creek and associated waterways that extends from the Butte/Sutter County line, south to Nelson Slough and includes Butte Creek, Butte Sink, Butte Slough and the Sutter Bypass.

Linkages: Relationship to previously funded and future projects: The CEAL program represents the next generation of the Lower Butte Creek Project. The Lower Butte Creek Project objective was to enhance fish passage through the Sutter Bypass and lower reaches of Butte Creek while maintaining the viability of associated agriculture and manage wetlands. Long-term protection of agricultural lands meet future CALFED project needs for floodplain management and habitat connectivity.

3. Requests for Next-Phase Funding:

N/A

4. Previous Recipients of CALFED or CVPIA Funding:

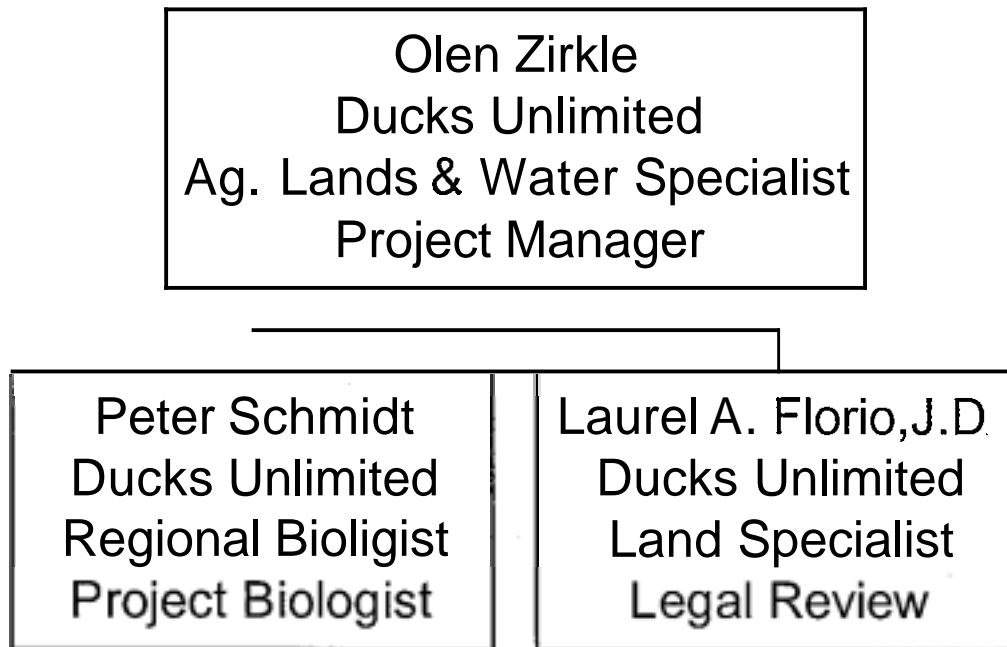
Please refer to cover Sheet information regarding CALFED and CVPIA funding.

System-Wide Ecosystem **Benefits:** Replicating of floodplain processes, increasing foodweb/nutrient supply, contributing to habitat connectivity, implementing ecosystem management, maintaining flood control capacity. These benefits are consistent with CALFED objectives of water quality, levee system integrity and watershed management by maintaining and protecting historic land uses in the Sutter Basin. The sum benefits contribute valuable benefits to the health of the delta.

E. Qualifications

ORGANIZATION CHART

Conservation Easements for Agricultural Lands/CEAL Project



Name *	Role/Responsibility	Availability	Conflict of Interest	Comment
Olen Zirkle	Project manager, field rep., Outreach	Available as needed as required by Project	None	Ducks Unlimited Employee
Peter Schmidt	Project Biologist, property inspection, monitoring	Available as needed as required by Project	None	Ducks Unlimited Employee
Laurel A. Florio	Legal Docs, Negotiations, Escrows/Closing	Available as needed as required by Project	None	Ducks Unlimited Employee

* Detailed qualifications and contributions listed in Attachment "H"

F. Cost

1. Budget: (See Attachment "T" – Annual and Total Budget)

Budget Detail

1. Salaries: DU's Salaries are divided into three classes. The executive class, the professional class and the technician class. Pay rate including FICA for each class is as follows:

Executive:	\$55.00/hour
Professional:	\$35.00/hour
Technician	\$24.00

Task 1 includes 150 hours of field representative time at the Professional rate. Task 2 contains a total of 450 hours of field representative time and 50 hours of a biologist time at the technician rate for monitoring.

2. Travel: Travel for project management includes mileage and meals for site visits and meeting attendance. The travel calculations were assumed to be the same for all three years of the project. Travel was calculated at 0.325/mile. Because the project is local, there will be no overnight stays. Single event meals with no overnight stay were calculated at \$10/day.

3. Supplies and expendables: DU calculates the supplies and expendables category using a flat rate of \$18.00/hour. This rate is applied equally across all three classes of employees and includes compensation and fringe benefits for local administrative staff support, direct local office costs, and direct National Head Quarter's conservation support costs and were calculated using the Direct Allocation Method under the federal accounting regulations.

4. Service Contracts: Purchase of the easement was calculated at \$1300/acre based on a current feasibility study of easements in the area.

Service contracts include fees for due diligence work on the easement property. The breakdown of the fees are:

Appraisal:	\$4000	Hazmat Phase I:	\$2500
Title Ins:	\$2500	Escrow Service:	\$2500
Baseline Documentation Report:			<u>\$2500</u>
Total Services:			\$14,000

Monitoring was calculated at a cost of \$25,000 using a discounted cash flow method

5. Equipment: Equipment purchase listed under subtask 2.1 includes annual upgrades to DU GIS equipment and software to identify high priority areas for easement acquisition. Other equipment may be needed to complete the property inspection and delineation report required by the DU Conservation Programs Committee

6. Over head rate: The indirect overhead rate has been approved by the Department of Agriculture with no modifications. The rate, 13.55% may be applied to all costs on the projects (including salary, materials, subcontract charges, etc.). The rate includes information service expenses, office services expenses, meeting and conference expense, government relations expenses and program G&A expenses. Full details of all allowable charges are on file at the Western Regional Office of Ducks Unlimited, Inc.

7. Project Management: Project management includes 100 hours of time at the executive rate for senior management oversight, 200 hours of time at the professional rate for the CEAL project manager and 100 hours of time at the technician rate for the contract compliance officer and accountant.

2. Cost Sharing

A gift from The David and Lucille Packard Foundation for the purchase of agricultural conservation easements will allow Ducks Unlimited, Inc. to leverage \$200,000 as a cost share for this project. The funds are dedicated to fish screen development and implementation.

G. Local Involvement:

As a result of the CEAL Program, Ducks Unlimited, Inc. (DU) representative, Olen Zirkle, Land and Water Specialist, has approached neighboring farmers concerning the opportunities available to protect their agricultural lands and informed the farmers about the CEAL Program that neighbor the easement lands currently being negotiated. The CEAL Program will continue to broadcast the program throughout Sutter County, especially along the existing intact farmlands bordering the Sutter Bypass.

In an effort to ensure local government support, DU has negotiated and executed a Memorandum of Understanding (MOU) between the County of Sutter and Wetland America Trust, Inc., (an entity of Ducks Unlimited, Inc.). This formal handshake establishes DU as a designee to hold development rights on Sutter County lands. In particular, the MOU establishes that the CEAL Program will be consistent with county agricultural land protection policies and supportive of the agricultural industry. The CEAL Program is also coordinating efforts and working with the following non-profits and quasi-government organizations to advance the sustainability of productive agricultural lands while maintaining important conservation values: Central Valley Joint Venture, American Farmland Trust, California Waterfowl Association, Northern California Water Association, Sutter Bypass Water Users Association, Sutter County Resource Conservation District, The David and Lucille Packard Foundation.

Ducks Unlimited, Inc. has enjoyed long-term on-going support from the local residents of the Sutter Basin through two local DU Chapters in Sutter County. Currently, there are approximately 600 active DU members.

The following list of willing Landowners currently engaged in CEAL Program easement negotiations represents key properties identified in the CEAL Project area:

Pelger Mutual Water District (2,800 acres)
W. Ashley Payne, farmer (1,600 acres)
Amaral Ranch, (700± acres)
Dick Akin, farmer (900 acres)
Montna Farms (2,300± acres)
Andrew Guisti (1,200 acres)

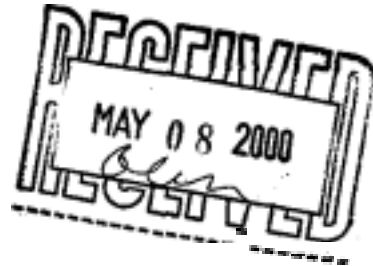
TOTAL PLEDGED ACRES: 9.500

Third party impacts: none

AMARAL

A

RANCH



CALFED BAY-DELTA PROGRAM
1416 Ninth Street, Suite 1155
Sacramento CA 95814

Dear Sirs:


I am the owner the Amaral Ranch. My **company's** land is located in Sutter County, immediately east of the Sutter National Wildlife Refuge. I ~~have~~ been contacted by **Ducks Unlimited** concerning their **CALFED** Proposal on Conservation Easements for Agricultural Lands. Their plans **are** to purchase an agricultural easement on my **property**. I fully **support** the proposal and look forward **to** participating in the proposed actions **when** approved for funding.

I understand that that **Ducks Unlimited**, their consultants and certain project-essential agency personnel will be visiting **my** property for the **purpose** of implementing the proposed actions. I hereby grant access for this purpose provided that I receive adequate notice, which **will not** be unreasonably withheld.

I understand that the project involves monitoring **and** I authorize that activity **as part** of the approved project.

Thank you for considering this important project

Sincerely,


Greg Amaral
Tel: 707-864-8000
Fax: 707-864-8001



DUCKS UNLIMITED, INC.
WESTERN REGIONAL OFFICE
3074 Gold Canal Drive
Rancho Cordova, California 95670-6116
(916) 852-2000
(916) 852-2200 Fax

May 11, 2000

Curtis R. Coad
Assistant County Administrative Officer
Sutter County Administrative Office
1160 Civic Center Blvd.
Yuba City, CA 95993

Dear Mr. Coad:

Ducks Unlimited is participating in this year's CALFED Proposal Solicitation Program for Ecosystem Restoration Projects and Programs. As stated in the Solicitation Package, we are required to notify the county in which our project is located and supply a copy of the proposal.

We are pleased to submit a copy of our proposal titled: "Conservation Easements for Agricultural Lands/CEAL Project". This proposal requests funds to construct fish screens, fish ladders and weir upgrades to the aforementioned weirs located in the west borrow channel of the Sutter Bypass.

If approved, construction of the fisheries upgrades will commence during the summer and fall of 2001. Contracts for final design, environmental compliance documentation and permitting have been let and the work will be completed this year.

If you have any questions or concerns regarding the CALFED process or the proposed construction project, please feel free to call.

Sincerely,

Glen Zirkle
Land and Water Specialist



DUCKS
UNLIMITED
INC.

DUCKS UNLIMITED, INC.
WESTERN REGIONAL OFFICE
3074 Gold Canal Drive
Rancho Cordova, California 95670-6116
(916) 852-2000
(916) 882-2200 Fax

May 11, 2000

Clerk of the Board of Supervisors
Sutter County Administrative Office
1160 Civic Center Blvd.
Yuba City, CA 95993

Madam Clerk

Ducks Unlimited is participating in this year's CALFED Proposal Solicitation Program for Ecosystem Restoration Projects and Programs. As stated in the Solicitation Package, we are required to notify the clerk of the Board of Supervisors of the county in which our project is located and supply a copy of the proposal.

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If you have any questions or concerns regarding the CALFED process or the proposed construction project, please feel free to call.

Sincerely,



Glen Zinke
Land and Water Specialist

Environmental Compliance Checklist

LOWER BUTTE CREEK PROJECT: Phase III Facilitation/Coordination and Construction of Three Fish Passage Modifications to Sutter Bypass WestSide Water Control Structures

All applicants must fill out this Environmental Compliance Checklist. Applications must contain answers to the following questions to be responsive and to be considered for funding. **Failure to answer these questions and include them with the application will result in the application being considered nonresponsive and not considered for funding.**

- 1. Do any of the actions included in the proposal require compliance with either the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), or both?**

 X
YES

NO

- 2. If you answered yes to #1, identify the lead governmental agency for CEQA/NEPA compliance.**

Bureau of Reclamation
Lead Federal Agency

California Department of Fish and Game
Lead State Agency

- 3. If you answered **no** to #1, explain why CEQA/NEPA compliance is not required for the actions in the proposal.**

N/A

- 4. If CEQA/NEPA compliance **is** required, describe how the project will comply with either or both of these laws. Describe where the project is in the compliance process and the expected date of completion.**

Jones & Stokes Associates is currently completing environmental documentation for this project

- 5. Will the applicant require access across public or private property that the applicant does not own to accomplish the activities in the proposal?**

 X
YES

NO

If yes, the applicant must attach written permission for access from the relevant property owner(s). Failure to include written permission for access may result in disqualification of the proposal during the review process. Research and monitoring field projects for which specific field locations have not been identified will be required to provide access needs and permission for access with **30** days of notification of approval.

6. Please indicate what permits or other approvals may be required for the activities contained in your proposal. Check all boxes that apply.

LOCAL

Conditional use permit	<input type="checkbox"/>
Variance	<input type="checkbox"/>
Subdivision Map Act approval	<input type="checkbox"/>
Grading permit	<input type="checkbox"/>
General plan amendment	<input type="checkbox"/>
Specific plan approval	<input type="checkbox"/>
Rezone	<input type="checkbox"/>
Williamson Act Contract cancellation	<input type="checkbox"/>
Other _____	
(Please Specify)	
None required	<input checked="" type="checkbox"/>

STATE

CESA Compliance	<input checked="" type="checkbox"/>	(CDFG)
Streambed alteration permit	<input checked="" type="checkbox"/>	(CDFG)
CWA § 401 certification	<input checked="" type="checkbox"/>	(RWQ CB)
Coastal development permit	<input type="checkbox"/>	(Coastal Commission/BCDC)
Reclamation Board approval	<input checked="" type="checkbox"/>	
Notification	<input type="checkbox"/>	(DPC, BCDC)
Other _____		
(please specify)		
None required	<input type="checkbox"/>	

FEDERAL

ESA Consultation	<input checked="" type="checkbox"/>	(USFWS)
Rivers & Harbors Act permit	<input type="checkbox"/>	(ACOE)
CWA § 404 permit	<input checked="" type="checkbox"/>	(ACOE)
Other: <u>NMFS – National Marine Fisheries Service Consultation</u>	<input checked="" type="checkbox"/>	
(please specify)		
None required	<input type="checkbox"/>	

DPC = Delta Protection Commission
 CWA = Clean Water Act
 CESA = California Endangered Species Act
 USFWS = U.S. Fish and Wildlife Service
 ACQE = U.S. Army Corps of Engineers

ESA = Endangered Species Act
 CDFG = California Department of Fish and Game
 RWQCB = Regional Water Quality Control Board
 BCDC = Bay Conservation and Development Comm.

Land Use Checklist

LOWER BUTTE CREEK PROJECT: Phase III Facilitation/Coordination and Construction of Three Fish Passage Modifications to Sutter Bypass WestSide Water Control Structures

All applicants must fill out this Land Use Checklist for their proposal. Applications must contain answers to the following questions to be responsive and to be considered for funding. Failure to answer these questions and include them with the application will result in the application being considered nonresponsive and not considered for funding.

1. **Do** the actions in the proposal involve physical changes to the land (i.e. grading, planting vegetation, or breeching levees) or restrictions in land use (i.e. conservation easement or placement of land in a wildlife refuge)?

YES

 X
NO

2. If **NO** to #1, explain what type of actions are involved in the proposal (i.e., research only, planning only).

Reconstruction of fish screens and ladders and upgrading weirs

3. If YES to #1, what is the proposed land use change or restriction under the proposal?

N/A

4. If YES to #1, is the land currently under a Williamson Act contract? N/A

N/A
YES

N/A
NO

5. If YES to #1, answer the following:

Current land use N/A
Current zoning N/A
Current general plan designation N/A

6. If YES to #1, is the land classified as Prime Farmland, Farmland of Statewide Importance or Unique Farmland on the Department of Conservation Important Farmland Maps?

N/A
YES

N/A
NO

N/A
DON'T KNOW

7. If **YES** to #1, how many acres of land will be subject to physical change **or** land use restrictions under the proposal?

N/A

8. If **YES** to #1, is the property currently being commercially farmed or grazed?

N/A
YES

N/A
NO

9. If **YES** to #8, what are: the number of employees/acre N/A
the total number of employees N/A

10. Will the applicant acquire any interest in land under the proposal (fee title or a conservation easement)?

YES

 X
NO

11. What entity/organization will hold the interest? N/A

12. If **YES** to #10, answer the following:

Total number **of** acres to be acquired under proposal N/A
Number of acres to be acquired in fee N/A
Number of acres to be subject to conservation easement N/A

13. For all proposals involving physical changes to the land **or** restriction in land use, describe what entity **or** organization will:

Manage the property: N/A
Provide operations and maintenance service: N/A
Conduct monitoring: N/A

14. For land acquisitions (fee title **or** easements), will existing water rights also be acquired?

N/A
YES

N/A
NO

15. Does the applicant propose **any** modifications to the water right or change in the delivery of the water?

YES

 X
NO

16. If **YES** to #15, describe: N/A

STATE AND FEDERAL FORMS

Conservation Easements for Agricultural Lands/CEAL Project

STATE FORMS:

1. Nondiscrimination Compliance Statement – ATTACHED
(for public, private and nonprofit applicants only)
2. Proof of Contractors License – (**To** be submitted when a Contractor is hired for this project)
(for private and nonprofit applicants proposing construction projects)
3. Non-collusion Affidavit – (To be submitted when a Contractor is hired for this project)
(for public, private and non-profit applicants proposing construction projects)
4. Bidders Bond - (**To** be submitted when a Contractor is hired for this project)
(for private and non-profit applicants proposing construction projects)
5. Payment Bond - (To be submitted when a Contractor is hired for this project)
(for private and non-profit applicants proposing construction projects)
6. Performance Bond - (To be submitted when a Contractor is hired for this project)
(for private and non-profit applicants proposing construction projects)

FEDERAL FORMS:

1. Standard 424 – ATTACHED
(for all applicants except federal agencies)
2. Assurances - Non Construction Programs - ATTACHED

NONDISCRIMINATION COMPLIANCE STATEMENT

STD. 19 (REV 3-95)

CEAL PROJECT: "Conservation Easements for Agricultural Lands"

COMPANY NAME

Ducks Unlimited, Inc.

The company named above (hereinafter referred to as "prospective Contractor") hereby certifies, unless specifically exempted, compliance with Government Code Section 12990 (a-f) and California Code of Regulations, Title 2, Division 4, Chapter 5 in matters relating to reporting requirements and the development, implementation and maintenance of a Nondiscrimination Program. Prospective contractor agrees not to unlawfully discriminate, harass or allow harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), medical condition (cancer), age (over 40), marital status, denial of family care leave and denial of pregnancy disability leave.

CERTIFICATION

I, the official named below, hereby swear that I am duly authorized to legally bind the prospective contractor to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California.

OFFICIAL'S NAME

Ronald A. Stromstad

DATE EXECUTED

4/26/00

EXECUTED IN THE COUNTY OF

Sacramento

PROSPECTIVE CONTRACTOR'S SIGNATURE



PROSPECTIVE CONTRACTOR'S TITLE

Director of Operations

PROSPECTIVE CONTRACTOR'S LEGAL BUSINESS NAME

Ducks Unlimited, Inc.

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION Application <input type="checkbox"/> Construction <input checked="" type="checkbox"/> Non-Construction Preapplication <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction		2. DATE SUBMITTED 5/15/00	Applicant Identifier
3. DATE RECEIVED BY STATE		State Application Identifier	
4. DATE RECEIVED BY FEDERAL AGENCY		Federal Identifier	

5. APPLICANT INFORMATION

Legal Name: Ducks Unlimited, Inc.	Organizational Unit: Western Regional Office
Address (give city, county, State, and zip code): 3074 Gold Canal Dr. Rancho Cordova, Ca 95670	Name and telephone number of person to be contacted on matters involving this application (give area code): Olen Zirkle 916-852-2000

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

1	3	-	5	6	4	3	7	9	9
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7. TYPE OF APPLICANT: (enter appropriate letter in box)

A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District	H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) <u>Non-profit</u>
---	--

8. TYPE OF APPLICATION:
☐ New ☐ Continuation ☐ Revision
 If Revision, enter appropriate letter(s) in box(es) ☐ ☐
 A. Increase Award B. Decrease Award C. Increase Duration
 D. Decrease Duration Other (specify): _____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER

 TITLE: _____

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:
Conservation Easements for Agricultural Lands/CEAL Project

12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):
Sutter County, CA

13. PROPOSED PROJECT Start Date Ending Date 4/1/01 3/31/04	14. CONGRESSIONAL DISTRICTS OF Doug Ose a. Applicant 4th District
---	--

15. ESTIMATED FUNDING: <table style="width:100%;"> <tr> <td style="width:20%;">a. Federal</td> <td style="width:10%;">\$</td> <td style="width:10%; text-align: right;">00</td> <td style="width:60%; text-align: right;">10,157,310'</td> </tr> <tr> <td>b. Applicant</td> <td>\$</td> <td style="text-align: right;">00</td> <td></td> </tr> <tr> <td>c. State</td> <td>\$</td> <td style="text-align: right;">00</td> <td></td> </tr> <tr> <td>d. Local</td> <td>\$</td> <td style="text-align: right;">w</td> <td></td> </tr> <tr> <td>e. Other</td> <td>\$</td> <td style="text-align: right;">00</td> <td></td> </tr> <tr> <td>Packard</td> <td></td> <td></td> <td style="text-align: right;">200,000</td> </tr> <tr> <td>f. Program Income</td> <td>\$</td> <td style="text-align: right;">00</td> <td></td> </tr> <tr> <td>g. TOTAL</td> <td>\$</td> <td style="text-align: right;">00</td> <td style="text-align: right;">10,357,310</td> </tr> </table>	a. Federal	\$	00	10,157,310'	b. Applicant	\$	00		c. State	\$	00		d. Local	\$	w		e. Other	\$	00		Packard			200,000	f. Program Income	\$	00		g. TOTAL	\$	00	10,357,310	16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS? a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE _____ b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW
a. Federal	\$	00	10,157,310'																														
b. Applicant	\$	00																															
c. State	\$	00																															
d. Local	\$	w																															
e. Other	\$	00																															
Packard			200,000																														
f. Program Income	\$	00																															
g. TOTAL	\$	00	10,357,310																														

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?
☐ Yes If "Yes," attach an explanation. ☒ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Type Name of Authorized Representative C. Ronald A. Stromstad	b. Title Director of Operations	c. Telephone Number 916-852-2600
d. Signature of Authorized Representative 		e. Date Signed 5-15-00

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A - BUDGET SUMMARY						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. CEAL Program		\$	\$	\$ 10,157,310	\$ 200,000	\$ 10,357,310
2.						
3.						
4.						
5. Totals		\$	\$	\$ 10,157,310	\$ 200,000	\$ 10,357,310
SECTION B - BUDGET CATEGORIES						
6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)	
	(1)	(2)	(3)	(4)		
a. Personnel	\$ 100,800	\$	\$	\$	\$ 100,800	
b. Fringe Benefits	20,160				20,160	
c. Travel	2,500				2,500	
d. Equipment	7,500				7,500	
e. Supplies	51,300				51,300	
f. Contractual	8,940,000				8,940,000	
g. Construction						
h. Other						
i. Total Direct Charges (sum of 6a-6h)	9,122,260				9,122,260	
j. Indirect Charges	1,235,050				1,235,050	
k. TOTALS (sum of 6i and 6j)	\$ 10,357,310	\$	\$	\$	\$ 10,357,310	
7. Program Income	\$	\$	\$	\$	\$	

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Standard Form 424A (Rev. 7-97)
Prescribed by OMB Circular A-102

SECTION C - NON-FEDERAL RESOURCES					
(a) Grant Program		(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	CEAL Program	\$	\$	\$ 200,000	\$ 200,000
9.					
10.					
11.					
12.	TOTAL (sum of lines 8-11)	\$	\$	\$ 200,000	\$ 200,000

SECTION D - FORECASTED CASH NEEDS						
		Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13.	Federal Begin April	\$ 3,963,449	\$ 13,004	\$ 61,601	\$ 3,860,366	\$ 28,478
14.	Non-Federal	200,000			200,000	
15.	TOTAL (sum of lines 13 and 14)	\$ 4,163,449	\$ 13,004	\$ 61,601	\$ 4,060,366	\$ 28,478

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT					
(a) Grant Program		FUTURE FUNDING PERIODS (Years)			
		(b) First	(c) Second	(d) Third	(e) Fourth
16.	Year 2	\$ 13,004	\$ 61,601	\$ 2,993,848	\$ 28,478
17.	Year 3	13,004	61,601	2,993,848	28,478
18.					
19.					
20.	TOTAL (sum of lines 16-19)	\$ 26,006	\$ 123,202	\$ 5,987,696	\$ 56,956

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges: \$9,122,260	22. Indirect Charges: \$1,235,050
23. Remarks: \$200,000 Packard Foundation Funds for Amarat Ranch Easement	

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

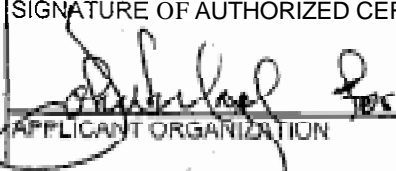
PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§8601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §54801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL		TITLE	
 Ronald A. Stromstad		Director of Operations	
APPLICANT ORGANIZATION		DATE SUBMITTED	
Ducks Unlimited, Inc.		5/15/00	

I. Literature Cited

Central Valley Habitat Joint Venture, February 1990. Implementation Plan,

Central Valley Habitat Joint Venture, May 1999. Rice Easement Subcommittee. Mission Statement and Purpose. Ag Easement and Buffer Zone Criteria

Ducks Unlimited Continental Conservation Plan June 1994. An Analysis of North American Waterfowl Populations and a Plan to Guide the Conservation Programs of Ducks Unlimited Through the Year 2000 (*Parts I-III*),

ERPP (1999). CALFED Bay-Delta Program, Ecosystem Restoration Program, Vol. II, Ecological Management Zone Visions, Feather River/Sutter Basin Ecological Management Zone and the Sutter Basin Ecological Management Unit, pp. 269 – 300.

ERPP (1999). CALFED Bay-Delta Program, Ecosystem Restoration Program, Vol. II, Ecological Management Zone Visions, Feather River/Sutter Basin Ecological Management Zone and the Sutter Basin Ecological Management Unit, p. 283.

ERPP (1999). CALFED Bay-Delta Program, Ecosystem Restoration Program, Vol. II, Ecological Management Zone Visions, Feather River/Sutter Basin Ecological Management Zone and the Sutter Basin Ecological Management Unit, p. 4.

ERPP (1999). CALFED Bay-Delta Program, Ecosystem Restoration Program, Vol. II, Ecological Management Zone Visions, Feather River/Sutter Basin Ecological Management Zone and the Sutter Basin Ecological Management Unit, p. 278.

ERPP (1999). CALFED Bay-Delta Program, Ecosystem Restoration Program, Vol. 11, Ecological Management Zone Visions, Feather River/Sutter Basin Ecological Management Zone and the Sutter Basin Ecological Management Unit, p. 282.

ERPP (1999). CALFED Bay-Delta Program, Ecosystem Restoration Program, Vol. II, Ecological Management Zone Visions, Feather River/Sutter Basin Ecological Management Zone and the Sutter Basin Ecological Management Unit, p. 283.

Janet Diehl and Thomas S. Barret (1988). The Conservation Easement Handbook: Managing Land Conservation and Historic Preservation Easement Program.

Jones & Stokes Associates, June 1998. Lower Butte Creek Project, Final Project Report.

Olen Zirkle and Chns Unkel, Ph.D. (1997). The Nature Conservancy– Rice Program Ecological Scoping Map for the Sacramento Valley.

Sutter County General Plan 2015. Background Report, November 25, 1996

Thomas S. Barret (1996). Land Trust Alliance
Model Conservation Easement and Historic Preservation Easement.

SUTTER COUNTY

Yuba City Sphere of Influence

SENSITIVE
BIOLOGICAL
RESOURCES



0 1000 2000
FEET

SCALE IN FEET
SUTTER COUNTY GENERAL PLAN

Area 2

Area 1

Area 2

LEGEND

- Moderately Sensitive Habitat Areas
- Highly Sensitive Habitat Areas

CONSERVATION EASEMENTS FOR AGRICULTURAL LAND

PROBLEM STATEMENT

Urban encroachment and 'conversion of crop land to higher intensity uses are threatening biologically sensitive wetlands and rice land adjacent to,, and east of, the Sutter Bypass.,

SOLUTION

**PURCHASE OF
AGRICULTURAL.
EASEMENTS**

**MANAGEMENT
PLAN**

RESTRICTIONS

**EVALUATION
AND
AMENDMENTS**

Purchase Development Rights

Promote Wildlife Friendly Crops

Maintain Conservation Values

MONITOR FOR:

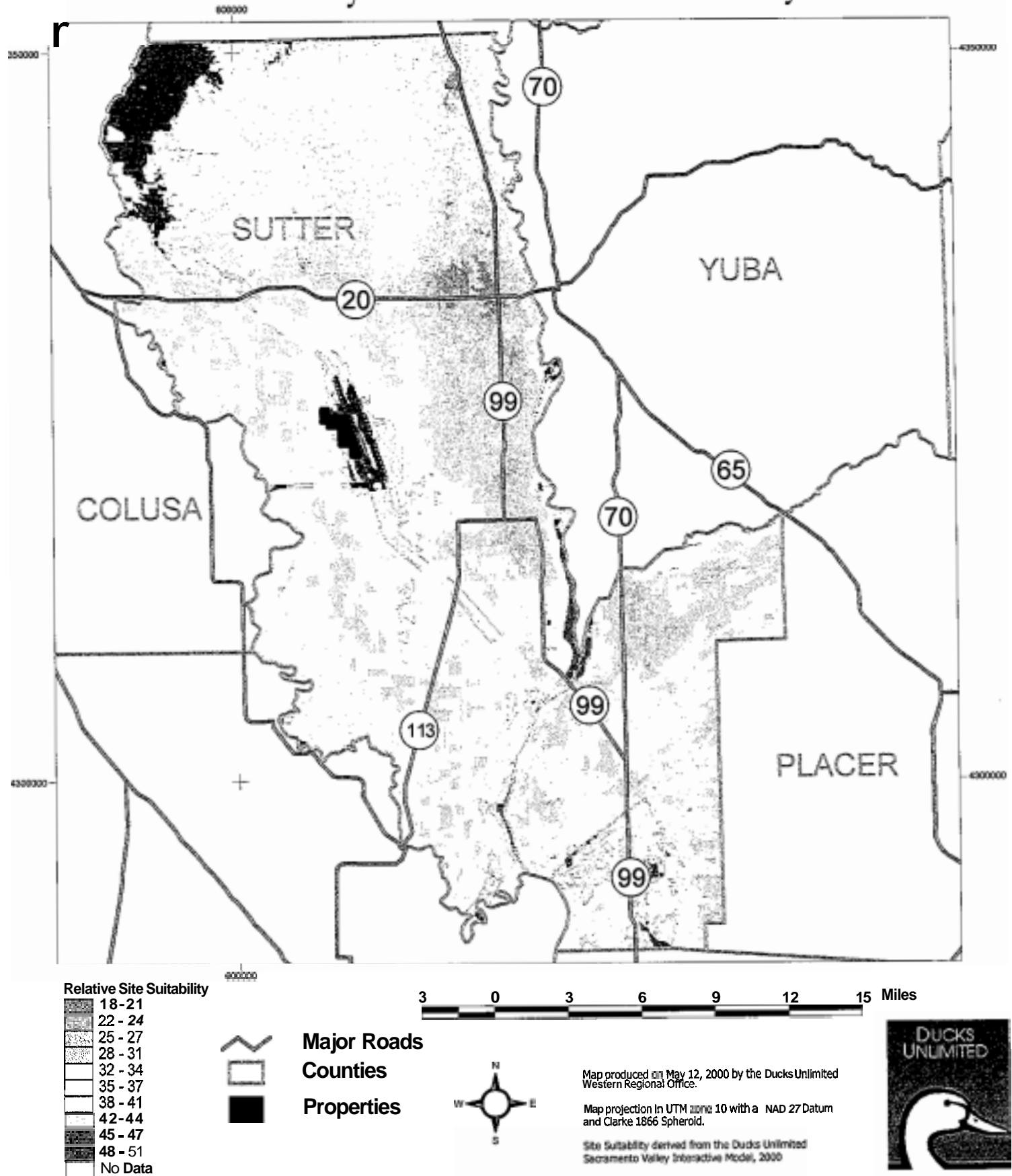
Easement Compliance
Indicator Species
Agricultural Practices

MAINTAIN HABITAT FOR:

Waterfowl Populations
Other Wetland Species
Protect Scenic Values & Open Space

Amaral Ranch

Sutter County Wetland Site Suitability Data



DRAFT

Date of Inspection: _____

DU Region _____
State _____

Conservation Easement For Agricultural Lands
Preliminary Property Inspection Form (PPI)

I. Project History

Grantor's Name _____

Address _____

Telephone _____

Property Name & Location (map attached) _____

DU Focus Area: _____

DU Project Name _____

Latitude and Longitude Coordinates of the approximate center of the site:

Crop Types

Total Acres _____ Cropland Acres _____ Rice Acres _____

Permanent Crops _____ Water Rights _____ Wetlands _____

Buildings and Grounds _____

11. Condition of Land

A. Description

Give a general description of the property, especially describing the condition and management of the farm including crop rotation and water source and delivery system. **Also** note any erosion, gravel pits, or pollution, such **as** chemical spills, fuel storage tanks or air strips.

B. Habitat Potential

Describe the potential of the farm for increased habitat, including land and water available for winter flooding, water delivery systems, waste water areas and other areas including natural wetland habitat

C. Buildings and Structures

Describe size, type and condition of structures including houses, sheds, silos, barns, utilities, powerlines, etc.

D. Biological Opinion

1. Describe the biological significance of the property and explain **how** a conservation easement will enhance the focus **area** and contribute to the DU mission.

2. Explain the use **and** potential for protection, **if any**, conservation or otherwise, of the neighboring properties contiguous to **this** subject property.

E. Financial Analysis

1. Enumerate the costs associated with this transaction. What funds will be utilized to finance this transaction?

F. Recommendation

G. Post Purchase Intent

111. Check List:

- | | Yes | No | |
|----|--------------------------|--------------------------|--|
| 1. | <input type="checkbox"/> | <input type="checkbox"/> | Title search has been done. |
| 2. | <input type="checkbox"/> | <input type="checkbox"/> | Grantor owns clear title to land. |
| 3. | <input type="checkbox"/> | <input type="checkbox"/> | Owner wishes to sell easement in current tax year. |

PLEASE INCLUDE **THE** ITEMS LISTED BELOW.

It is **very** important that the location of the property is accurately described. More detailed information greatly enhances the committee's ability to make an approval decision.

- 1) Large scale aerial photography (true color or color infrared). For instance, a 9" x 9" contact print that covers all of the property. Large scale means the property should encompass **as** much as the 9" x 9" area as possible. A transparent overlay with the property boundary delineated is **also** needed. The overlay should include tic marks (small crosses) over easily recognizable features (such as photo comers). These tic marks will help with registration should the aerial photograph and overlay get separated. Do not draw directly on the original photo since it may be scanned for presentation purposes. *Please see telephone numbers and web locations listed in #3 for information regarding the National Aerial Photography Program.*
- 2) **35mm** slides, prints, **and/or** digital camera ground photography. Several slides of the property from different locations are required. Individual slides and photographs should be labeled with the name of the property, date, and a caption describing the images. Note that most of the DU field offices now have digital cameras. A separate description of each photo is required, even if providing digital images. GPS points or a plot of photo point location on the aerial photograph overlay is also necessary.
- 3) 1:24,000 scale **USGS** topographic map with delineation of property. *For more information about ordering, call 1-800-Help-Map. If you know what USGS quadrangles you would like to order, call 1-800-USA-Maps or search the web address below:*

<http://mapping.usgs.gov/esic/usimage/dealers.html>

<http://edcwww.cr.usgs.gov/srord-link.html>
- 4) **County Assessor Parcel** map or Platt **book** map (or a copy). Parcel name and number should be indicated on Page 1 of this form and not on the map in case the parcel map needs to be scanned.
- 5) Copy of AAA road map or similar map indicating the general location of the property relative to the nearest town.

- 6) Latitude and Longitude coordinates of the approximate center of the site should be inserted on Page 1 of this form. These should be collected using a GPS unit if possible. A digital property area boundary file collected using GPS is also acceptable. Arcinfo or Arcview compatible format is preferred.

Inspected by:

Name

Title

Date

Conservation Lands Coordinator

Date

Director of Operations

Date

Conservation Easement **for** Agricultural Lands
Baseline Study Outline

DRAFT

The following matters should be considered in writing every baseline study:

- A.** Background information
 - 1. Method of study
 - 2. History of property use; include current use (historic and current crops)
 - 3. Conservation values to be included in the easement including a list of the easement restrictions and reserved rights
- B.** Legal information
 - 1. legal description
 - 2. Acreage (Must agree with all other documentation)
 - 3. Latitude and Longitude
 - 4. GPS location of major structures and property control points
- C.** Property description
 - 1. Geology
 - 2. Soil types
 - 3. Hydrology: ponds, streams, lakes, wetlands, etc.
 - 5. Ecological Description (can include reference to retained rights and list of restrictions)
 - a. Vegetation - description of each type (On-site)
 - i. Element occurrences
 - ii. Plant communities
 - iii. Noxious weeds
 - iv. Plant species list sorted by plant community including annual grasses, perennial grasses and woody species (Table format if possible)
 - b. Wildlife - description
 - i. Habitat use
 - ii. Migratory species
 - iii. Species of special concern
 - 6. Man-made Features - narrative description of improvements, structures, trails, roads, fences, wells, power lines, pipelines; include historic use, etc.
 - 7. Land use (Include current crop rotation plan)
 - 8. Aesthetics
 - 9. Date of report
- D.** Summary and Conclusions

E. Literature Cited

F. Appendix

1. Maps

- a. Aerial photographs
- b. General map showing property location
- c. Local road map showing property location
- d. Topographic (7.5 min.) showing property boundaries
- e. Plat map of property
- f. Ecological map showing location of plant communities and element occurrences (Use GPS location)
- g. Man-made features showing locations of buildings, fences, power lines, wells, roads, trails, flood control structures, irrigation structures, etc. (Use GPS location)
- h. Crop rotation maps

2. Photographs (Include accompanying map describing photographs and showing location of each picture, GPS location where appropriate)

- a. Man-made structures including roads, ditches, flood control structures, power lines fences, irrigation structures, etc.
- b. Vegetation including representative photographs of riparian forests; creek channels, grasses, woody shrubs, etc.

Monitoring Plan:

Ducks Unlimited, Inc. (DU) takes pride in its commitment to ~~programs~~ that are grounded in the best available science. Continued monitoring and evaluation will be undertaken to ensure ~~program~~ objectives are achieved. ~~De s m i d~~ below is the standard monitoring and enforcement protocol established for conservation ~~easements~~ held by Ducks Unlimited, Inc. This protocol will be applied to each agricultural conservation easement acquired through the CEAL Program

Monitoring and Enforcement

Once the easement ~~has~~ been signed, DU ~~has~~ a legal obligation to monitor the property protected by the easement to ensure that the ~~terms~~ of the easement are being met. Ideally, ongoing interaction and good communication with the landowner or ~~his/her~~ property manager will ~~ensure~~ that regular monitoring ~~turns~~ up few surprises. If regular contact is maintained, DU should be consulted prior to any action being taken by the property manager that may jeopardize resources protected by the easement. The following guidelines should be followed in designing the monitoring program

Most easement's set our ~~guidelines~~ for securing permission to access the property to monitor terms of the easement. These should be followed closely to prevent any unnecessary confusion. Contact the property manager ~~or~~ owner regularly and let ~~him/her~~ know the purpose of the visit and the legal requirement of monitoring.

The initial inspection, following execution of the easement, should be timed to coincide with the ideal time of year to monitor resources being protected. Thereafter, inspections should be timed annually within 30 days of that date for consistency. Start off the cooperative relations by seeking input ~~from~~ the owner in setting up that initial date ~~so~~ that it does not unduly inconvenience ~~him/her~~.

Use a standard form (see attached) that has been pre-prepared for the visit. It should briefly summarize everything needing monitoring, have the basic information about the property, and have a checklist to go through during the visit. It is strongly suggested that a copy of the easement, the Baseline Documentation Report, and the most recent inspection report area available for the inspection.

Completed and signed copies of the inspection report will be distributed to the Regional Office, the landowner, and Legal and Conservation Programs at National Headquarters. Signatures should include those of the person conducting the inspection and the landowner or ~~his/her~~ representative.

Monitoring inspections should be conducted with the owner or ~~his/her~~ property manager present whenever possible. Ideally, all inspections will be conducted by the staff of DU. In certain instances, it may make sense to share monitoring responsibilities with our conservation partners ~~or~~ consultant(s). Be certain that the representative sent by the partner is qualified, that the landowner knows who is expected, and that a DU staff member review the report prior to asking for landowner concurrence.

Compliance with terms laid out in the conservation easement should follow if good communications are maintained between DU and the owner/property manager. However, if a suspected violation occurs, then procedures should be followed as outlined in the easement. Usually some form of arbitration is prescribed where disagreements result and terms for payment of legal costs is outlined. Most easements also outline procedures for amending easements and these should be followed when an amendment seem appropriate. Amending easement terms, while protecting key resource elements, through good communication between grantor ~~and~~ grantee is far preferable to taking disputes into arbitration. Ultimately, if amendment and arbitration fail, decisions are referred to the court system.

Date of Inspection: _____

DU Region _____
State _____

DU Conservation Lands Program
Conservation Easement Donations/Acquisitions

Monitoring Inspection Form

1. Introduction

The conservation easement will be monitored annually. An upgraded report on the condition of the property will be prepared and submitted **to** the grantor **of** the easement.

PRIOR to embarking upon the site visit to monitor **the** property protected by the conservation easement, the following five preliminary steps **MUST** be completed.

1. Review Conservation Easement document.
2. Review amendments, if any.
3. Review BDR
4. Review survey map/aerial photo.
5. Send notice to landowner. (NB: This method must conform to the provisions within the Easement regarding notice.)

11. Preliminary Information

1. Property: _____
2. Location: _____
3. Acres: _____
4. Conservation Easement Date: _____
Amendment Date: _____
5. Name of Landowner: _____
6. Address: _____

7. Telephone Nos.: Home _____
Office _____
Mobile _____
Fax _____

8. Original grantor of Conservation Easement? Yes _____ No _____

9. If **not**, year of sale _____ (a copy of the Deed is attached)

10. Property Manager: _____

11. Address: _____

12. Telephone Nos.: Home _____
Office _____
Mobile _____
Fax _____

11. Site Visit

1. Grantee Representative (name and title) conducting site visit _____

2. Grantor Representative (name and title) present _____

3. Mark an "X" next to the current use/uses of the property.

Agricultural	_____
Ecosystem/species preservation	_____
Scientific/educational purposes	_____
Wildlife/habitat management	_____
Recreational	_____
Forestry	_____
Commercial	_____

4. Current land use of adjacent properties. _____

5. Baseline photo sites located and physical state at present compared to those photos. (New baseline photos should be taken at the same points every 5 years.) _____
6. If property has been altered by natural causes, describe location, changes, etc. _____
7. If property has been altered due to man-made changes, describe location, etc. _____
8. Are these changes consistent with the terms of the Conservation Easement?
Yes _____ No _____
9. Is there a need for cleanup, maintenance or restoration?
Yes _____ No _____
10. If yes, how does landowner plan to return property to its original condition? _____
11. Is construction, restoration, major maintenance or changes in use or ownership contemplated within the next 12 months? Yes _____ No _____
12. If so, describe and state whether or not these changes are in compliance with the terms and conditions of the Conservation Easement. _____
13. Evaluation as to property's condition. _____

14. Potential threats or problems to property's condition. _____

15. Is there signage **on** the property? _____

16. If **so**, does it conform with the terms **of** the Conservation Easement?
Yes _____ No _____

IV. General

1. Overall, are the terms and conditions **of** the Conservation Easement being adhered to? Yes _____ No _____
2. List and describe any violations or potential violations **of** the Easement. _____

3. Landowner's comments: _____

4. Grantee's comments: _____

I, _____, owner or representative of the property known as _____, agree that the description and account of the current state of the property, as recorded herein, is an accurate description of the property as of today.

Landowner/Representative

Name: (Print) _____

Date: _____

Inspector

Name: (Print) _____

Date: _____

List any attachments

_____ none

_____ photos

_____ map(s)

_____ survey(s)

_____ deed

_____ other

Attachment "F"

DUCKS UNLIMITED FY 2000 CALFED PROJECT PROPOSAL – Conservation Easements for Agricultural Lands

Year	Task	Task Description	Start/Finish Date	Linkage	Comments
Conservation Easements for Agricultural Lands (CEAL)		Purchase Agricultural Easements On 15,000 Acres Of Sutter Basin Farmland	April 1, 2001 - March 31, 2004		The goal of the CEAL Project is to purchase ag. easements on rice lands located between the Sutter Bypass and Yuba City to protect and buffer sensitive wetlands within and adjacent to the Sutter Bypass
Year 1:	Task 1.0	Purchase and agricultural easement on the Amaral Ranch Property	April 1, 2001 - December 31, 2001	a	
	Subtask 1.1.1	Negotiate and sign option agreement to purchase agricultural easement	April 1, 2001 – July 1, 2001	a	Negotiate preliminary terms and conditions and amend Ducks Unlimited Draft agricultural easement to include CALFED requirements
	Subtask 1.1.2	Request Preliminary Title Report/Open escrow	July 1, 2001	a	Supplies title information for recording and closing of easement escrow
	Subtask 1.1.3	Complete Appraisal, Baseline Documentation Report, and Hazardous Materials Phase I Report	September 30, 2001 September 30, 2001	a	Documents conservation values of the easement property and serves as a baseline for monitoring, adaptive management and future actions
	Subtask 1.1.4	Negotiate final easement language	October 1, 2001 November 30, 2001	a	Negotiate final terms and conditions of agricultural easement including findings from title report, baseline documentation report and due diligence
	Subtask 1.1.5	Close escrow and record easement	December 1, 2001 – December 31, 2001	a	Funds distributed, permanent easement recorded against the deed
	Subtask 1.1.6	Establish monitoring program	December 31, 2001 -perpetuity	a	Monitored on an annual basis for compliance with the easement requirements
	Task 2.0	Identify and purchase additional agricultural easements	April 1, 2001 – December 31, 2001		
	Subtask 2.1.1	Landowner outreach		d	Contact interested landowners, sign-up willing sellers
	Subtask 2.1.2	Inspection and approval		d	Get DU approval, complete due diligence
	Subtask 2.1.3	Close escrow and record easement		d	Purchase and additional 2,000 acres of agricultural easements
	Subtask 2.1.4	Monitor easements		d	Monitored on an annual basis for compliance with the easement requirements
Year 2:	Task 2.0	Identify and purchase additional agricultural easements	January 1, 2002 – December 31, 2002		
	Subtask 2.2.1	Landowner outreach		d	Contact interested landowners, sign-up willing sellers
	Subtask 2.2.2	Inspection and approval		d	Get DU approval, complete due diligence
	Subtask 2.2.3	Close escrow and record		d	Purchase and additional 2,000 acres of agricultural easements

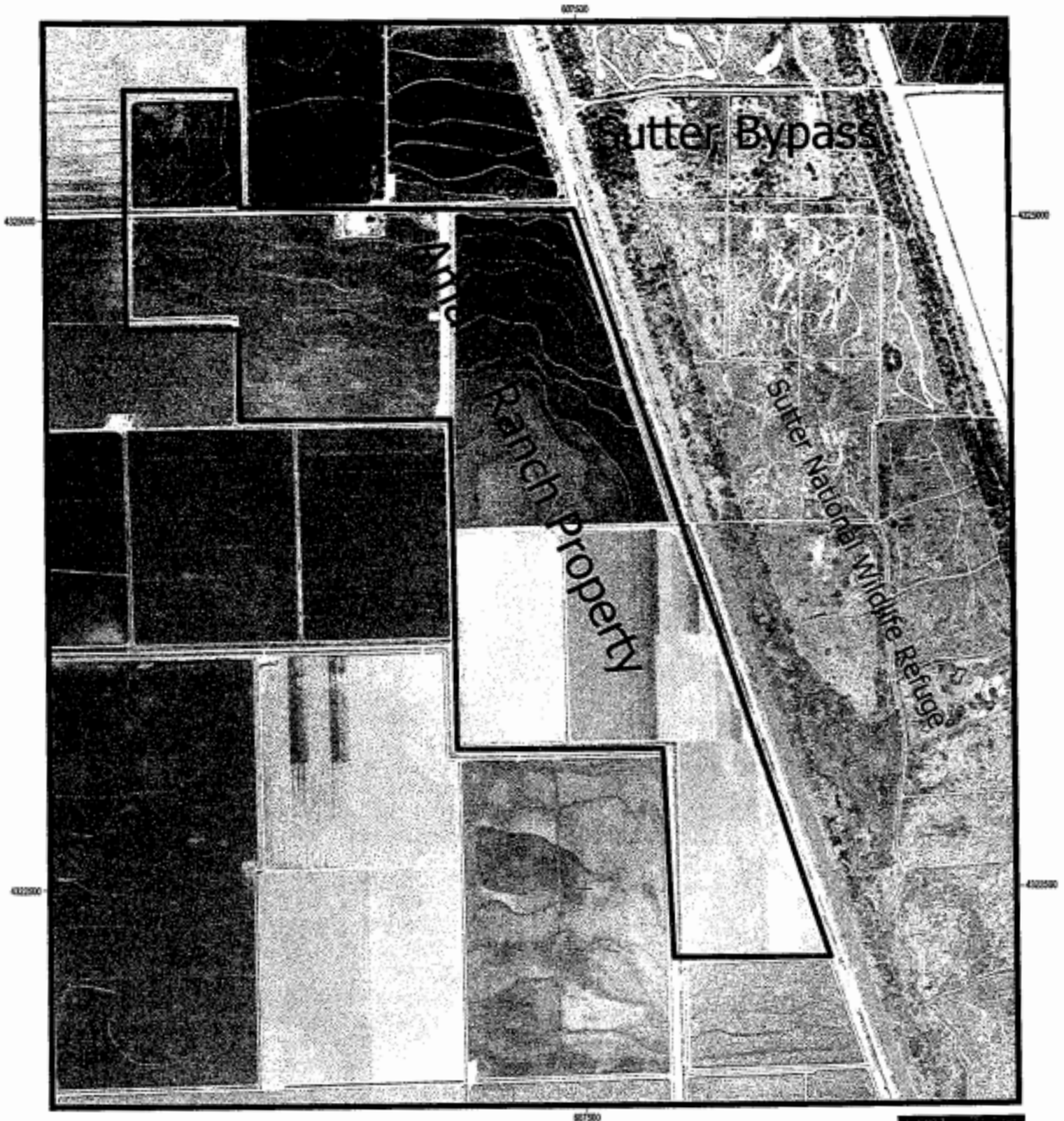
Attachment "F"

DUCKS UNLIMITED FY 2000 CALFED PROJECT PROPOSAL – Conservation Easements for Agricultural Lands

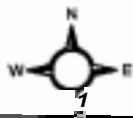
		easement			
	Subtask 2.2.4	Monitor easements		d	Monitored on an annual basis for compliance with the easement requirements
fear 3:	Task 2.0	Identify and purchase additional agricultural easements	January 1, 2003 – March 31, 2004		
	Subtask 2.3.1	Landowner outreach		e	Contact interested landowners, sign-up willing sellers
	Subtask 2.3.2	Inspection and approval		e	Get DU approval, complete due diligence
	Subtask 2.3.3	Close escrow and record easement		e	Purchase and additional 2,000 acres of agricultural easements
	Subtask 2.3.4	Monitor easements		e	Monitored on an annual basis for compliance with the easement requirements
	Task 3.0	Project Management: Manage overall program, develop contracts/forms, oversee field staff activities, compile and report findings, invoice funders	April 1, 2001 – March 31, 2004	abcde	Cost of project management commensurate with project accepted for funding

Amaral Kanch

Conservation Easements For Agricultural Lands



3 0 3 6 9 12 15 Miles



Map produced on May 12, 2000 by the Ducks Unlimited Western Regional Office.

Map projection in UTM zone 10 with a NAD 27 Datum and Clarke 1866 Spheroid.



STATEMENT OF QUALIFICATIONS

Ducks Unlimited, Inc. Staff:

Olen C. Zirkle, Jr. Mr. Zirkle brings a diverse background to Ducks Unlimited. Educated at U.C. Davis, earning a Bachelor of Science degree in Ag-Production/Agronomy, he has spent a lengthy career working with agriculture on operational and management issues. Mr. Zirkle is currently employed by Ducks Unlimited as an Agricultural Lands and Water Specialist where he manages both the Lower Butte Creek Project and the Sutter Basin Agricultural Easement Project. He recently completed a three and one-half year contract with The Nature Conservancy where he managed their Ricelands Habitat Project and initiated and implemented Phase I of the Lower Butte Creek Project. Mr. Zirkle may be reached at the Western Regional Office at 3074 Gold Canal Drive, Rancho Cordova CA 95670-6116; Phone: (916) 852-2000; Fax: (916) 852-2200; e-mail: ozirkle@ducks.org

Relevant Experience

Mr. Zirkle has spent his entire career working in agriculture in managerial and technical positions. Educated as an agronomist, he worked for 16 years with Spreckels Sugar Company as a field superintendent and agricultural property manager. Subsequently, he managed grain marketing and storage cooperative comprised of 800 farmer members in Southeastern Arizona. In one of his most recent activities, he managed and marketed the foreclosed properties for the western office of the Federal Land Bank. Mr. Zirkle is a licensed real estate broker, and has extensive training and expertise in agricultural property appraisal. Since 1995, Mr. Zirkle has worked extensively on fish passage issues. He currently manages the Lower Butte Creek Project which is a landowner driven process that brings farmers, wetland managers and resource agencies together to resolve fish passage issues along Butte Creek, a native spring-run chinook salmon spawning stream.

Project Responsibility

Mr. Zirkle's title is Agricultural Lands and Water Specialist. His role in this project is to manage all stakeholder related actions. Mr. Zirkle will also work with the consultants and Ducks Unlimited staff on public outreach issues.

Laurel A. Florio, J.D. Laurel has been the attorney/land specialist for Ducks Unlimited, Inc. for the past four years. Her responsibilities have included the conservation of land around the country utilizing conservation easements as the primary tool for perpetual protection of important waterfowl and wildlife habitat. She originates from Massachusetts where she received her law degree from Massachusetts School of Law. She has been involved in real estate law for approximately 13 years, both as a paralegal and attorney. Prior to coming to Ducks Unlimited, Inc. she did land protection work for the Massachusetts Dept. of Fisheries, Wildlife and Law Enforcement.

Relevant Experience

Ten years in real estate law ; six of which have been focused on land protection work utilizing conservation easements.

Project Responsibility

Negotiation, drafting and legal review of all documentation pertinent to the transaction.

Published Reports

Laurel is an annual speaker at the National Land Trust Alliance Rally. Her topics include "The *Art* of Negotiating Conservation Easements" and "Negotiating with Landowners in the Interpretation and Amendment of Existing Conservation Easements". Recently, she spoke to the Southeast Region of the National Lumber Association regarding DU's Conservation Lands Programs and enjoys speaking to groups when the opportunity arises.

Attachment H

Peter E. Schmidt Mr. Schmidt oversees project development for Duck Unlimited's Valley/Bay CARE program in the Sacramento Valley, Suisun Marsh, and the Sacramento/San Joaquin delta and has a Master's degree in natural resources/wildlife management, Humboldt State University, 1999, and a Bachelor of Science degree in wildlife management, Humboldt State University, 1995. He administers programs with budgets in excess of \$1 million. He is responsible for coordinating the engineering and design, project delivery and inspection, and budget tracking for all private land projects within this area. In addition, Mr. Schmidt works extensively with many different agencies and groups on cooperative wetland restoration and enhancement projects. He works also with the agricultural community to enhance properties for wildlife benefits.

Prior to joining Ducks Unlimited Mr. Schmidt worked for the California Department of Fish and Game in the Humboldt Bay area. He was responsible for restoration and maintenance on four state wildlife areas. Mr. Schmidt also served as a volunteer caretaker for the U. S. Fish and Wildlife Service at the Humboldt Bay Experience

Relevant Exuerience

Mr. Schmidt currently administers several large-scale projects including a North American Wetlands Conservation Act (NAWCA) grant, an agricultural winter flooding program under the Central Valley Project Improvement Act (CVPIA), and a waterfowl production program in the Suisun Marsh. These programs involve budgets in excess of \$1 million each and require oversight and coordination among several state and federal agencies, non-profit organizations, and private landowners and foundations.

Proiect Responsibility

Mr. Schmidt will be responsible for oversight and administration of subsidence and water quality monitoring as well as general biological program advisor.

Published Reports

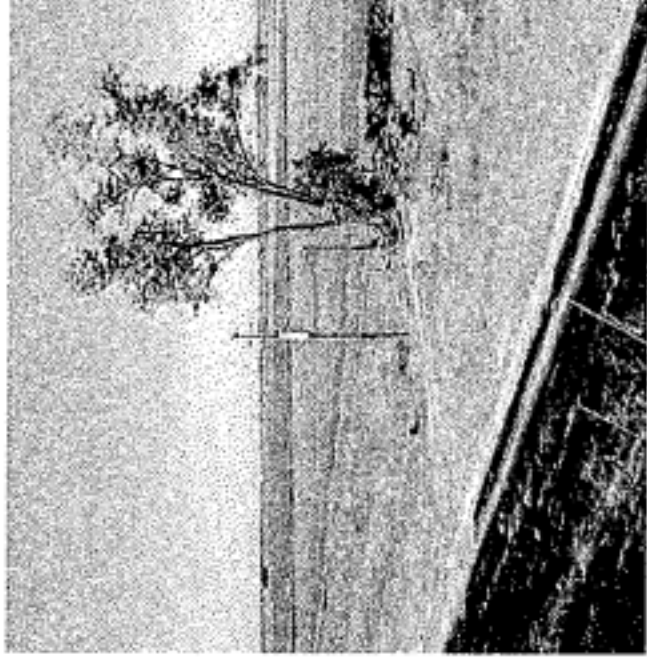
Mr. Schmidt has completed a Master's thesis, and has published scientific findings in *Waterfowl 2000*. In addition, Mr. Schmidt has published numerous articles in the *Valley/Bay CARE* newsletter, and has authored or co-authored several technical bulletins in the *Valley Habitats* series published by Ducks Unlimited. Mr. Schmidt has presented scientific information at the Ninth North American Arctic Goose Conference, the annual meetings of the Cooper Ornithological Society, and the Western Section of the Wildlife Society.

DUCKS UNLIMITED FY 2000 CALFED PROJECT PROPOSAL - Conservation Easements for Agricultural Lands

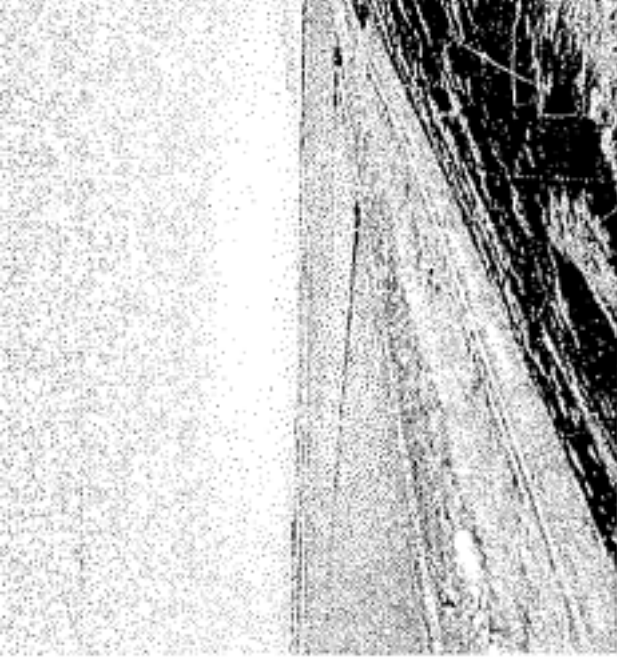
Table 1. CEAL Project annual and total budget										
Year Task	Direct Labor Hours	Salary Including FICA	Benefits @ 20% of Salary	Subject to Overhead			Exempt from Overhead			Total Cost
				Travel	Staff Support & Supplies	Purchase, Inspection, Monitoring	Overhead (13.55%)	Equipment	0	
Year 1 Task 1: Purchase Amaral Easemt.	150	\$5,250	\$1,050	\$250	\$2,700	\$930,000	\$127,268			\$1,066,518
Subtask 2.1.1: Landowner outreach	150	\$5,250	\$1,050	\$250	\$2,700		\$1,253	\$2,500		\$13,003
Subtask 2.1.2: Inspection/Approval	150	\$5,250	\$1,050	\$250	\$2,700	\$45,000	\$7,351			\$61,601
Subtask 2.1.3: Close/Record Esmt.	150	\$5,250	\$1,050		\$2,700	\$2,600,000	\$353,520			\$2,962,520
Subtask 2.1.4: Monitor easement	50	\$1,200	\$240	\$250	\$900	\$25,000	\$3,738			\$31,328
Project Management	400	\$14,900	\$2,980	\$0	\$7,200	\$0	\$3,398	\$0		\$28,478
Total Cost Year 1		\$37,100	\$7,420	\$1,000	\$18,900	\$3,600,000	\$496,529	\$2,500	\$0	\$4,163,449
Year 2 Subtask 2.2.1: Landowner outreach	150	\$5,250	\$1,050	\$250	\$2,700		\$1,253	\$2,500		\$13,003
Subtask 2.2.2: Inspection/Approval	150	\$5,250	\$1,050	\$250	\$2,700	\$45,000	\$7,351			\$61,601
Subtask 2.2.3: Close/Record Esmt.	150	\$5,250	\$1,050		\$2,700	\$2,600,000	\$353,520			\$2,962,520
Subtask 3.2.4: Monitor Easement	50	\$1,200	\$240	\$250	\$900	\$25,000	\$3,738			\$31,328
Project Management	400	\$14,900	\$2,980	\$0	\$7,200	\$0	\$3,398			\$28,478
Total Cost Year 2		\$31,850	\$6,370	\$750	\$16,200	\$2,670,000	\$369,261	\$2,500	\$0	\$3,096,931
Year 3 Subtask 2.3.1: Landowner outreach	150	\$5,250	\$1,050	\$250	\$2,700		\$1,253	\$2,500		\$13,003
Subtask 2.3.2: Inspection/Approval	150	\$5,250	\$1,050	\$250	\$2,700	\$45,000	\$7,351			\$61,601
Subtask 2.3.3: Close/Record Easement	150	\$5,250	\$1,050		\$2,700	\$2,600,000	\$353,520			\$2,962,520
Subtask 3.3.4: Monitor Easement	50	\$1,200	\$240	\$250	\$900	\$25,000	\$3,738			\$31,328
Project Management	400	\$14,900	\$2,980	\$0	\$7,200	\$0	\$3,398			\$28,478
Total Cost Year 3		\$31,850	\$6,370	\$750	\$16,200	\$2,670,000	\$369,261	\$2,500	\$0	\$3,096,931
Total Project Cost		\$100,800	\$20,160	\$2,500	\$51,300	\$8,940,000	\$1,235,050	\$7,500	\$0	\$10,357,310



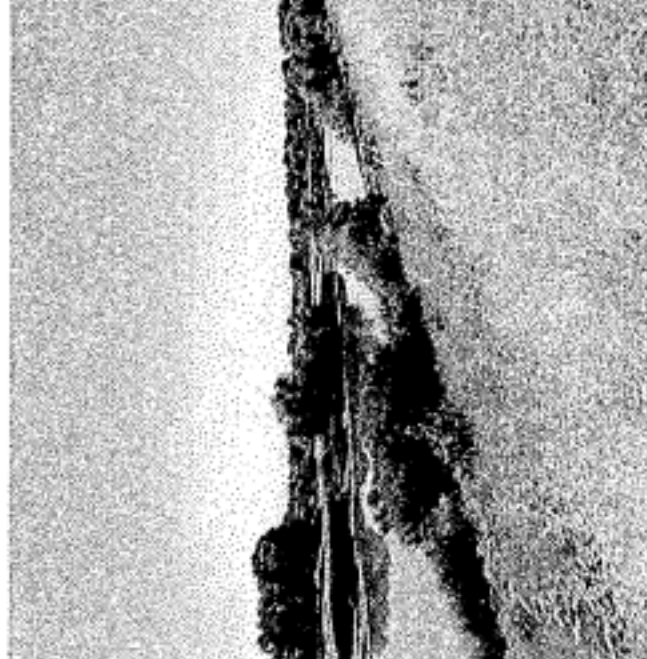
1. Irrigation Water Source - Guisti W



2. Irrigation Water Lift Pump



3. Rice Checks Looking North Toward Sutter



4. Adjacent Sutter Bypass Area